



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,733	12/27/2000	Matthias Weiss	A33890-066340.0126	6347

21003 7590 09/09/2005

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
----------	--------------

2183

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,733

Applicant(s)

WEISS ET AL.

Examiner

Tonia L. Meonske

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on April 16, 2001 are objected to under 37 CFR 1.81 (a) and 37 CFR 1.83 (a), (l), (t), and (u)(1). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

a. The submitted drawing is not distinct and clear. It is difficult to discern what parts each number is pointing to. The dashed lines are very faint. See 37 CFR 1.81 (a) and 37 CFR 1.83 (l).

b. The submitted drawing sheet is not numbered, i.e. 1/1. See 37 CFR 1.83 (t).

c. The submitted drawing does not have a numbered label such as "Figure 1". It is appropriate to label the drawing with a corresponding figure number and reference the figure in the specification using the figure number. See 37 CFR 1.83 (u)(1).

d. The labels 1-18 in the submitted drawing are not descriptive. The drawings should contain representational labels, such that a rough understanding of the figure can be obtained by merely looking at the figure. For example, element 1 has been provided with the representational label of "program code". All of the other elements illustrated in the drawing should have such representational labels as well.

2. For applicant's convenience, the above referenced rules are provided below:

37 CFR 1.81 **Drawings required in patent application.**

(a) The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.

37 CFR 1.83 **Content of drawing.**

(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

(l) **Character of lines, numbers, and letters.** All drawings must be made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning.

(t) **Numbering of sheets of drawings.** The sheets of drawings should be numbered in consecutive Arabic numerals, starting with 1, within the sight as defined in paragraph (g)

of this section. These numbers, if present, must be placed in the middle of the top of the sheet, but not in the margin. The numbers can be placed on the right-hand side if the drawing extends too close to the middle of the top edge of the usable surface. The drawing sheet numbering must be clear and larger than the numbers used as reference characters to avoid confusion. The number of each sheet should be shown by two Arabic numerals placed on either side of an oblique line, with the first being the sheet number and the second being the total number of sheets of drawings, with no other marking.

(u) Numbering of views.

(1) The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

Art Unit: 2183

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 4, the limitation “whereby the use of translation buffers during execution is avoided” does not appear in the disclosure as originally filed. In contrast, it appears that a translation buffer is in fact used during execution in Applicant’s invention as disclosed. The complex word table, which is described at page 5, paragraph [0014], appears to be equivalent to a translation buffer used during execution. Therefore applicant has not disclosed “whereby the use of translation buffers during execution is avoided” in the original filing. This limitation must be cancelled from claim 4. Appropriate correction is required.

5. Claims 5 and 6 are rejected for incorporating the defects of claim 4.

6. Claims 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation. It is not clear from the specification how the claimed invention would be implemented “whereby the use of translation buffers during execution is avoided” as in claim 4. The specification actually supports the opposite of the newly added claim limitation. The complex word table, which is described at page 5, paragraph [0014], appears to be equivalent to a translation buffer that is used during execution. Applicant has not sufficiently enabled how the claimed invention would be implemented by avoiding the use of a translation buffer during execution. For the purposes of examination, the limitation in claim 4 “whereby the use of

Art Unit: 2183

translation buffers during execution is avoided” will not be given any weight. Appropriate correction is required.

7. Claims 5 and 6 are rejected for incorporating the defects of claim 4.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is directed to the newly added claim limitation in claim 4 “whereby the use of translation buffers during execution is avoided”. Applicant’s appear to be claiming the invention by what it’s not. This limitation is commonly referred to as a negative claim limitation, which is improper. Appropriate correction is required.

10. Claims 5 and 6 are rejected for incorporating the defects of claim 4.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 4-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cmelik et al., US Patent 6,031,992 (herein referred to as Cmelik).

13. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on December 8, 2003. The newly added claim limitations are addressed below.

Art Unit: 2183

14. Claim 4 has been amended to include the following underlined limitations “wherein the operation of the processor is divided in an execution phase and a preceding configuration phase, wherein during the preceding configuration phase instruction word parts corresponding to data-stationary commands are assembled as complex words in a complex word sequence, identified by a complex word pointer and stored in a complex word table at a location corresponding to said pointer, ... and wherein upon encountering said complex word pointers in said program words during the subsequent execution phase, said complex words are read from said complex word table and stored in parallel in said secondary instruction word memory, whereby the use of translation buffers during execution is avoided.” Cmelik has taught “wherein the operation of the processor is divided in an execution phase and a preceding configuration phase, wherein during the preceding configuration phase instruction word parts corresponding to data-stationary commands are assembled as complex words in a complex word sequence, identified by a complex word pointer and stored in a complex word table at a location corresponding to said pointer (In Cmelik the instructions are translated and then the instructions are executed. See column 19, lines 52-65. The translation, or configuration stage, precedes the execution phase of the instructions.), ... and wherein upon encountering said complex word pointers in said program words during the subsequent execution phase, said complex words are read from said complex word table and stored in parallel in said secondary instruction word memory, whereby the use of translation buffers during execution is avoided. (This limitation is not given any weight as described above in the 112 rejections above.)”

15. Claim 4 has been amended to include the following underlined limitations “wherein the program codes are completely translated into the sequence of instruction words during a

Art Unit: 2183

configuration phase for execution in a subsequent execution phase, wherein there is provided a memory for storing instruction word parts corresponding to data-stationary commands, said instruction word parts being stored during the configuration phase at a location corresponding to a complex word pointer corresponding to a data-stationary command, and wherein said memory is arranged to directly transfer said complex word parts to said buffer memory in parallel to execute a data-stationary command during the subsequent execution phase.” Cmelik has taught “wherein the program codes are completely translated into the sequence of instruction words during a configuration phase for execution in a subsequent execution phase (In Cmelik the instructions are completely translated, stored in a translation buffer and then the instructions are executed. See column 19, lines 52-65.), wherein there is provided a memory for storing instruction word parts corresponding to data-stationary commands, said instruction word parts being stored during the configuration phase at a location corresponding to a complex word pointer corresponding to a data-stationary command, and wherein said memory is arranged to directly transfer said complex word parts to said buffer memory in parallel to execute a data-stationary command during the subsequent execution phase (Figure 6c, column 14, lines 47-66).”

Response to Arguments

16. Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive. See the argument have been addressed in the rejections above.

Conclusion

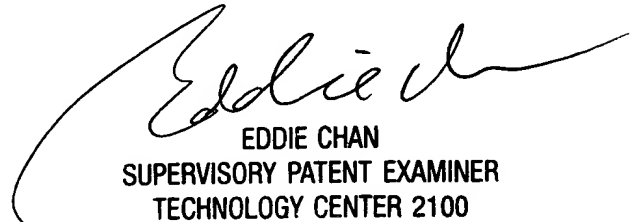
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, with every other Friday off.

Art Unit: 2183

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P. Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm



EDDIE CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100